

Forty-ninth Legislature
First Regular Session

COMMITTEE ON NATURAL RESOURCES AND RURAL AFFAIRS

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2250

(Reference to printed bill)

1 Page 1, between lines 1 and 2, insert:

2 "Section 1. Section 37-132, Arizona Revised Statutes, is amended to
3 read:

4 37-132. Powers and duties

5 A. The commissioner shall:

6 1. Exercise and perform all powers and duties vested in or imposed
7 upon the department, and prescribe such rules as are necessary to discharge
8 those duties.

9 2. Exercise the powers of surveyor-general except for the powers of
10 the surveyor-general exercised by the treasurer as a member of the selection
11 board pursuant to section 37-202.

12 3. Make long-range plans for the future use of state lands in
13 cooperation with other state agencies, local planning authorities and
14 political subdivisions.

15 4. Promote the infill and orderly development of state lands in areas
16 beneficial to the trust and prevent urban sprawl or leapfrog development on
17 state lands.

18 5. Classify and appraise all state lands, together with the
19 improvements on state lands, for the purpose of sale, lease or grant of
20 rights-of-way. The commissioner may impose such conditions and covenants and
21 make such reservations in the sale of state lands as the commissioner deems
22 to be in the best interest of the state trust. The provisions of this
23 paragraph are subject to hearing procedures pursuant to title 41, chapter 6,
24 article 10 and, except as provided in section 41-1092.08, subsection H, are
25 subject to judicial review pursuant to title 12, chapter 7, article 6.

26 6. Have authority to lease for grazing, agricultural, homesite or
27 other purposes, except commercial, all land owned or held in trust by the
28 state.

1 7. Have authority to lease for commercial purposes and sell all land
2 owned or held in trust by the state, but any such lease for commercial
3 purposes or any such sale shall first be approved by the board of appeals.

4 8. Except as otherwise provided, determine all disputes, grievances or
5 other questions pertaining to the administration of state lands.

6 9. Appoint deputies and other assistants and employees necessary to
7 perform the duties of the department, assign their duties, and require of
8 them such surety bonds as the commissioner deems proper. The compensation of
9 the deputy, assistants or employees shall be as determined pursuant to
10 section 38-611.

11 10. Make a written report to the governor annually, not later than
12 September 1, disclosing in detail the activities of the department for the
13 preceding fiscal year, and publish it for distribution. The report shall
14 include an evaluation of auctions of state land leases held during the
15 preceding fiscal year considering the advantages and disadvantages to the
16 state trust of the existence and exercise of preferred rights to lease
17 reclassified state land.

18 11. Withdraw state land from surface or subsurface sales or lease
19 applications if the commissioner deems it to be in the best interest of the
20 trust. This closure of state lands to new applications for sale or lease
21 does not affect the rights which existing lessees have under law for renewal
22 of their leases and reimbursement for improvements.

23 B. The commissioner may:

24 1. Take evidence relating to, and may require of the various county
25 officers information on, any matter that the commissioner has the power
26 to investigate or determine.

27 2. Under such rules as the commissioner adopts, use private real
28 estate brokers to assist in any sale or long-term lease of state land and
29 pay, from fees collected under section 37-108, subsection A, paragraph 10,
30 subdivision (a), a commission to a broker that is licensed pursuant to title
31 32, chapter 20 and that provides the purchaser or lessee at auction. The
32 purchaser or lessee at auction is not eligible to receive a commission
33 pursuant to this subsection. A commission shall not be paid on a sale or a
34 long-term lease if the purchaser or lessee is another governmental agency.

1 3. Require a permittee, lessee or grantee to post a surety bond or any
2 form of collateral deemed sufficient by the commissioner for performance or
3 restoration purposes. The commissioner shall use the proceeds of a bond or
4 collateral only for the purposes determined at the time the bond or
5 collateral is posted. For agricultural lessees, the commissioner may require
6 collateral as follows:

7 (a) As security for payment of the annual assessments levied by the
8 irrigation district in which the state land is located if the lessee has a
9 history of late payments or defaults. The amount of the collateral required
10 shall not exceed the annual assessment levied by the irrigation district.

11 (b) As security for payment of rent, if an extension of time for
12 payment is requested or if the lessee has a history of late payments of rent.
13 The collateral shall be submitted at the time any extension of time for
14 payment is requested. The amount of the collateral required shall not exceed
15 the annual amount of rent for the land.

16 (c) A surety bond shall be required only if the commissioner
17 determines that other forms of collateral are insufficient.

18 4. Withhold market and economic analyses, preliminary engineering,
19 site and area studies and appraisals that are collected during the urban
20 planning process from public viewing before they are submitted to local
21 planning and zoning authorities.

22 5. Withhold from public inspection proprietary information received
23 during lease negotiations. The proprietary information shall be released to
24 public inspection unless the release may harm the competitive position of the
25 applicant and the information could not have been obtained by other
26 legitimate means.

27 6. Issue permits for short-term use of state land for specific
28 purposes as prescribed by rule.

29 7. ISSUE PERMITS WITHOUT A PUBLIC AUCTION FOR THE USE OF ANY STATE
30 LANDS EXCEPT THOSE LANDS HELD IN TRUST PURSUANT TO ARTICLE X, CONSTITUTION OF
31 ARIZONA.

32 7. 8. Contract with a third party to sell recreational permits. A
33 third party under contract pursuant to this paragraph may assess a surcharge
34 for its services as provided in the contract, in addition to the fees
35 prescribed by section 37-108.

1 **8.** 9. Close urban lands to specific uses as prescribed by rule if
2 necessary for dust abatement, to reduce a risk from hazardous environmental
3 conditions that pose a risk to human health or safety or for remediation
4 purposes.

5 **9.** 10. Notwithstanding subsection A, paragraph 4 of this section,
6 authorize, in the best interest of the trust, the extension of public
7 services and facilities either:

8 (a) That are necessary to implement plans of the local governing body,
9 including plans adopted or amended pursuant to section 9-461.06 or 11-824.

10 (b) Across state lands that are either:

11 (i) Classified as suitable for conservation pursuant to section
12 37-312.

13 (ii) Sold or leased at auction for conservation purposes.

14 C. The commissioner or any deputy or employee of the department shall
15 not have, own or acquire, directly or indirectly, any state lands or the
16 products on any state lands, any interest in or to such lands or products, or
17 improvements on leased state lands, or be interested in any state irrigation
18 project affecting state lands."

19 Renumber to conform

20 Page 1, line 29, after the period strike remainder of line insert:

21 "E. THE USE OF PUBLIC TRUST LAND BY A POLITICAL SUBDIVISION OR OTHER
22 PUBLIC ENTITY FOR A PUBLIC TRUST PURPOSE"

23 Reletter to conform

24 Line 30, strike "SUBSECTION ARE" insert "SECTION IS"

25 Amend title to conform

and, as so amended, it do pass

BILL KONOPNICKI
Chairman

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